

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CR2003-032982-001 SE

10/03/2003

HONORABLE DAVID M. TALAMANTE

CLERK OF THE COURT
B. Giles
Deputy

FILED: 10/07/2003

STATE OF ARIZONA

ANGELA K ANDREWS

v.

WILLARD JAY SMITHSON (001)
DOB: 07/20/1943

TOBY C SCHMICH

APO-SENTENCINGS-SE
APPEALS-SE
DISPOSITION CLERK-SE
DOCKET-CRIMINAL-SE
EDM-QC
FILE ROOM-SE
MCSO-ATTN RECORDS MANAGER
RFR
VICTIM SERVICES DIV-CA-SE

SENTENCE - IMPRISONMENT AND PROBATION

State's Attorney:	Angela K. Andrews
Defendant's Attorney:	Toby C. Schmich
Defendant:	Present
Court Reporter:	Helene Paustian

IT IS ORDERED directing personnel in the File Room to nunc pro tun the 08/15/2003 Plea Agreement/Change of Plea minute entry on page 2, paragraph 2, to reflect the offense of Count 2 (Amended): Attempted Sexual Conduct with a Minor in place of and instead of Count 2 (Amended): Sex Conduct with a Minor.

IT IS FURTHER ORDERED amending the Plea Agreement to reflect Count 2 (Amended): Attempted Sexual Conduct with Minor and forwarding to EDM-QC for rescanning.

LET THE RECORD REFLECT that the document is amended by the court clerk and forwarded to EDM-QC for rescanning.

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CR2003-032982-001 SE

10/03/2003

LET THE RECORD REFLECT that the Court is in possession of correspondence written on behalf of the Defendant.

LET THE RECORD REFLECT that Larry Keith McDonald, Bronda Elizabeth McDonald and Laurie McDonald Smithson address the Court on behalf of the victim.

LET THE RECORD REFLECT that Stephen Lane Smithson, Brenda Riepel and Charlotte D. Smithson address the Court on behalf of the Defendant.

WAIVER OF TRIAL: The Defendant knowingly, intelligently and voluntarily waived all pertinent constitutional and appellate rights and entered a plea of guilty.

IT IS THE JUDGMENT of the Court Defendant is guilty of the following:

OFFENSE: Count 1 (Amended): Child Molest
Class 2 designated felony and Dangerous Crime Against Children
A.R.S. § 13-1401, 1410, 3821, 31-281, 13-604.01, 701, 702 and 801
Date of Offense: On or Between 03/17/2003 and 03/18/2003
Non Dangerous - Non Repetitive

OFFENSE: Count 2 (Amended): Attempted Sexual Conduct With a Minor
Class 3 designated felony and Dangerous Crime Against Children
A.R.S. § 13-1001, 1401, 1405, 3821, 31-281, 13-604.01, 701, 702 and 801,
Date of Offense: On or between 03/17/2003 and 03/18/2003
Non Dangerous - Non Repetitive

AS PUNISHMENT, IT IS ORDERED Defendant is sentenced to a term of imprisonment and is committed to the Arizona Department of Corrections as follows:

Count 1 (Amended): 17 year(s) from 10/03/2003
Presentence Incarceration Credit: 177 days
Presumptive

Community Supervision: Waived pursuant to A.R.S. § 13-603(K) and 41-1604.07(D), due to the term of probation in As to Count 2 (Amended) in this cause number.

IT IS ORDERED suspending imposition of sentence and placing Defendant on probation as stated in the Uniform Conditions of Probation.

Count 2 (Amended): Probation Term: Lifetime beginning upon release from DOC.

Conditions of probation include the following:

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CR2003-032982-001 SE

10/03/2003

Condition 16 - Not drink any alcoholic beverage.

Condition 17 - Not have any contact with the victim(s) whatsoever, unless approved in writing by the Adult Probation Department.

Condition 23 - Restitution, Fines, and Fees:

PROBATION SERVICE FEE: \$50.00 per month.

Additional Monetary Information: PROBATION FEE: \$50.00 per month beginning on the first day of the fourth month after release from DOC.

Additional Monetary Information: IT IS ORDERED waiving the Probation Surcharge of \$5.00.

Additional Monetary Information: IT IS FURTHER ORDERED waiving the Time Payment Fee until and unless a restitution amount is determined.

Additional Monetary Information: IT IS FURTHER ORDERED leaving the issue of restitution open.

Condition 24 - Register as a Sex Offender as defined by law.

Pursuant to A.R.S. § 13-3821(J), notification is made to the Sheriff of Maricopa County, Arizona.

Condition 25 - Abide by the Special Conditions as noted on the attachment to the Terms and Conditions of Probation.

IT IS ORDERED granting the Motion To Dismiss the following: Counts 3, 4, 5, 6, 7 and 8.

Count(s) 1 (Amended): IT IS ORDERED authorizing the Maricopa County Sheriff to deliver Defendant to the Arizona Department of Corrections.

IT IS ORDERED the Clerk of the Superior Court remit to the Arizona Department of Corrections a copy of this order together with all presentence reports, probation violation reports, and medical and psychological reports that are not sealed in this cause relating to the Defendant.

cc: DOC - Certified Copy via Certification Desk

cc: MCSO-DIS - Certified Copy via Certification Desk
Docket Code 189

Form R189-22

Page 3

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CR2003-032982-001 SE

10/03/2003

Defendant's thumbprint is permanently affixed to this sentencing order in open court.

/s/ HONORABLE DAVID M. TALAMANTE
JUDGE OF THE SUPERIOR COURT

(thumbprint)